

**APPROVED MINUTES FOR THE MEETING OF
HERITAGE WESTERN CAPE,
APPEALS COMMITTEE**
Held on Wednesday, 8th November 2023, MS Teams, scheduled for 08:30

Opening and Welcome

The Chairperson, Mr Gregory Ontong officially opened the meeting at 08:30 and welcomed everyone present.

Attendance

Committee Members:

Mr Gregory Ontong (GO)
Ms Corlie Smart (CSm)
Dr. Andre van Graan (AvG)
Dr Nicolas Baumann (NB)
Mr Stuart Hermansen (SH)

Members of Staff:

Ms Penelope Meyer (PM)
Ms Naushina Rahim (NR)
Ms Chane Herman (CH)
Ms Waseefa Dhansay (WD)
Ms Corne Nortje (CN)
Ms Sneha Jhupsee (SJ)
Ms Nosiphiwo Tafeni (NT)
Ms Zikhona Sigonya-Ndongeni (ZSN)

Visitors:

Item 10.1

Mr Steven Levetan (ENS Attorneys for Appellant- Durham Square Body Corporate, BC)
Mr Martin Bey (STBB Attorneys for Applicant/ Owner)
Mr Bruce McDonald (interested party)
Ms Jacoline Stewart (Appellant party)
Mr Jay de Wet (Appellant party)
Ms Clotilda Garatsa (APTP Town Planner, Applicant)

Apologies

Ms Nosiphiwo Tafeni (NT)- left early, sick leave.

3. Absent

None.

4. Approval of Agenda

4.1 Dated 8th November 2023.

The committee being quorate, unanimously resolved to approve the Agenda dated 8th November 2023.

5. Approval of Minutes of Previous Meeting

5.1 Appeals Minutes dated 11th October 2023

The Committee being quorate unanimously resolved to approve the minutes dated 11th October 2023.

6. Disclosure and Conflicts of Interest
None.

6.1 Recusals
None.

7. Confidential Matters
None.

8. Administrative Matters

8.1 Appointments
None.

8.2 Outcome of the Tribunal Committees and Recent Court Decisions
None.

8.3 Report back from HWC Council
None.

8.4 Site Visits Undertaken and Site visit Reports
8.4.1 None.

8.5 Potential Site Visits
None.

8.6 Discussion of the Agenda

8.7 Upcoming Tribunal attendance by committee members

8.7.1 Vingerhoed huisie, Saldanha appeal
Ms Corlie Smart will attend the hearing on 16th November 2023.

8.7.2 24 Bishoplea Rd appeal
Dr van Graan will attend both, the site inspection and hearing on 29th and 30th November 2023 respectively.

9 Matters Arising
9.1 None

10. New Matter/s

**10.1 Section 34 Permit issued in respect of Doves Funerals & Mortuary facilities at Erf 16337, 267 Victoria Road, Salt River
HM/CAPE TOWN METROPOLITAN/SALT RIVER/ ERF 16337
Case No: HWC22052709CH0316**

Appeal against HOMS's decision to approve the proposed interior additions and alterations to accommodate the funeral and mortuary being built.
Ms Naushina Rahim (NR) introduced the item.

The Appellant Durham Square Body Corporate (BC), represented by Mr Steven Levetan (ENS Attorneys):

- Introduced the grounds for condonation as:
 - o The BC received the documents much later from the Appellant
 - o The appeal has no merit because the Respondents do not explain their time delay.

- Appeal:
 - o The reliance was on the Salt River Heritage Society recommendation that no external features are impacted.
 - o Submitted that the additions do have an impact on the external structure of building, requiring the input of the body corporate.
 - o Submitted that most of the residents are opposed to the funeral service from a health point of view and the impact it will have on the value of their properties.
 - o Submitted that there are impacts to the external structure.
 - o Submitted inaccuracies in the plan especially where the windows are located on the heritage building on Durham Avenue.
 - o The appeal is a wide appeal.

Respondent: Ornicus Properties (Pty) Ltd (Owner), represented by Mr Martin Bey (STBB Attorneys):

- The appeal brought by the Appellants is not based on heritage factors.
- No grounds to raise against condonation, it is accepted that the Appellants were indeed unaware and brought the appeal as soon they were reasonably able to do so.
- Appeal: The Appellants have not raised their concerns about the windows in the original appeal grounds and this limits the right of reply by the Respondent.

DISCUSSION

Amongst other things, the following was discussed by the Committee:

- The application for condonation was heard first and a decision made regarding the condonation before the appeal was heard.
- The committee decided to grant the condonation, the BC is an interested and affected party and they should have been notified that the permit was granted.
- The committee emphasised to the parties that they should present on the impact on the heritage resource.
- The committee is concerned that there is an issue regarding the plan being inaccurate, citing bedrooms where the windows are and will need the Respondent to address these inaccuracies.

Decision:

Condonation is granted.

FURTHER REQUIREMENTS

The Respondent to assess the new information presented in relation to the possible inconsistencies in the plans and the impact this will have on the heritage resources which needs to be identified on the drawings, especially related to Durham avenue.

The committee suggests that the Respondent should consult a heritage professional to assist with the mapping and assessment of the heritage resource.

The Respondent to provide the Appellant with the above information and allow 14 days for them to respond.

11. Other Matters which are for noting only.

11.1 None

12. Proposed next date of the meeting:

5 December 2023

13. Adoption of decisions and resolutions

The Committee unanimously resolved to adopt the decision and resolution dated 8th November 2023.

Closure: The meeting was adjourned at 10:45

MINUTES APPROVED AND SIGNED BY:

CHAIRPERSON  **DATE** 3 December 2023

SECRETARY _____ **DATE** _____ 2023